



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,113	01/12/2001	Barrett Toan	C18497/106453	1973

7590 04/01/2005

Robert G. Lancaster, Esq.  
BRYAN CAVE LLP  
One Metropolitan Square  
211 North Broadway, Suite 3600  
St. Louis, MO 63102-2750

EXAMINER
----------

PORTER, RACHEL L

ART UNIT	PAPER NUMBER
----------	--------------

3626

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## DETAILED ACTION

### ***Requirement for Information Under 37 C.F.R. § 1.105***

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.
2. The information is required to identify products and/or services embodying the disclosed subject matter for providing healthcare benefit plan designs. The Examiner, upon conducting a search for prior art, discovered published documents related to Applicants' invention. The first two documents (dated May 5, 1993 and February 1994), entitled "Express Scripts, Inc-Company Report," and "Profiles of Selected Companies: Express Scripts, Inc" respectively, disclose that Express Scripts (assignee of the instant application) utilized data gathering and data analysis techniques using an integrated on-line database to assist plan sponsors/clients in designing customized benefit plans, and optimize cost savings. Both of the cited documents published in 1993 or 1994, more than a year before the Applicant's filing date. A third document, entitled "Express Scripts: Initiating Coverage" (dated January 2000) also describes benefit design plan consultation services provided assignee.

In response to this requirement please provide any known publications, brochures, manuals and press releases that describe the (healthcare/pharmaceutical) benefit plan design products and/or consultation services that are described by the aforementioned documents, and specifically what product(s) or service(s) was marketed or developed before 1/12/01, that was the subject of the article disclosures.

Art Unit: 3626

3. The fee and certification requirements of 37 C.F.R. § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 C.F.R. § 1.105 are subject to the fee and certification requirements of 37 C.F.R. § 1.97.
4. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.
5. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.
6. This requirement is subject to the provisions of 37 C.F.R. §§ 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Art Unit: 3626

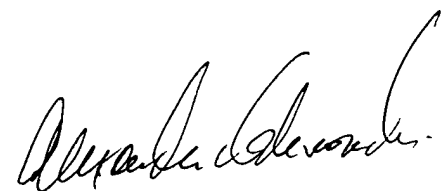
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel L. Porter whose telephone number is 703-305-0108. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RP  
RP



**ALEXANDER KALINOWSKI  
PRIMARY EXAMINER**